

FINDINGS OF FACT FOR THE PRELIMINARY PLAT OF THE PEACE PARK MAJOR SUBDIVISION LOCATED IN THE N ½ NW ¼, SECTION 34, TOWNSHIP 20 N., RANGE 3 E., P.M. CASCADE COUNTY, MONTANA

The Application requesting preliminary plat approval for The Peace Park major subdivision was received on August 5, 2019. The submittal was determined to contain all required components sufficient for adequate public review on March 26, 2020 and scheduled for public hearing for the Cascade County Planning Board on June 30, 2020. Notice of the public hearing was sent to adjacent property owners on June 10, 2020 and published in the Great Falls Tribune on June 14, 2020 and June 21, 2020.

Karl Birky requests preliminary plat approval for The Peace Park Subdivision, major subdivision, consisting of fourteen (14) residential lots ranging in size from 2.00 acres to 2.36 acres. The total acreage of the project site is 33.1 acres.

I. PRIMARY REVIEW CRITERIA

Effect on Agriculture

The proposed subdivision presently consists of one (1) parcel of land (33.1 acres) within the Suburban Residential 2 (SR-2) Zoning District. To the north and east of the project site is residential land in the SR-2 Zoning District. To the south and west is residentially zoned undeveloped land. The soil is made up of 23.8% Abor-Yawdim clay loams (4-8% slopes), 20.4% Ipano-Hillon complex (4-10% slopes), neither of which are prime farmland, 31.5% Ipano loam (0 to 4% slopes), and 24.3% Kobar silty clay loam (2 to 4% slopes) both classified as prime farmland if irrigated.

Effect on Local Services

The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Department and fire protection services from the Gore Hill Volunteer Fire Department (VFD). The developer will be required to install a fire suppression cistern with a capacity of 17,000 gallons, or 10,000 gallons minimum, plus an additional 500 gallons per residential lot.

A letter requesting comments was sent to the Gore Hill Volunteer Fire Department Chief and any response received from them will be forwarded to the Planning Board and the County Commissioners. The Applicant provided correspondence with the Gore Hill VFD and is provided within the Board packet as well as the Subdivision Application.

Parkland dedication is required as part of this subdivision. Per the Cascade County Subdivision Regulations, 5% of the acreage subdivided for residential use is required to be dedicated as parkland. The Applicant is choosing the option of paying cash-in-lieu of parkland. The 14 proposed residential lots will cover 33.1 acres. The Application indicates 1.66 acres of cash-in-lieu of parkland ($33.1 \times .05 = 1.655$). The amount of cash-in-lieu must equal the fair market value of the unsubdivided, unimproved land.

The Applicant's Traffic Impact Analysis estimates that when fully developed, this subdivision will generate an additional 152 additional trips per day, 76 along Flood Road, and 76 along Dick

Road. According to the Traffic Impact Study submitted with the application, no capacity issues have been identified.

Letters requesting comments were sent to the Montana Department of Transportation and the Cascade County Road and Bridge Division. Any comment will be forwarded to the Planning Board and the Cascade County Commission.

Effect on the Natural Environment

Subdivision of the size is not expected to create significant surface run-off problems. The proposed development is outside of any regulated floodplains, will not alter any lakebeds or stream channels, and is approximately three-fourths mile north of the Missouri River. The Department of Environmental Quality will review the subdivision plan as part of the Sanitation in Subdivisions Act and will include a review of the stormwater design to mitigate runoff resulting from development in the subdivision.

The soil is made up of Abor-Yawdim clay loams and Ipano-Hillon complex soils that are not classified as farmland of statewide importance. It is also made up of Ipano loam and Kobar silty clay loam both being classified as prime farmland if irrigated. Additionally, the property has not been put into agricultural production in recent history. The project was sent to the Cascade Conservation District for review, any comments received will be forwarded to the Planning Board and County Commissioners.

The subdivision is not expected to adversely affect native vegetation, soils, water quality, or the quantity of surface or ground waters. Disturbed areas during the development phase will be re-seeded and the weed management plan will be followed to reduce the spread of noxious weeds.

Effect on Wildlife and Wildlife Habitat

This subdivision location is in an area that is experiencing progressive residential development as development spreads south of Great Falls. Residential development is likely to have a negative impact on wildlife in the area. Letters requesting comment have been submitted to the Department of Fish, Wildlife, and Parks, any comments received will be forwarded to the Planning Board and County Commissioners. The subdivision will neither result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

Based on available information, this subdivision does not appear to be either subject to potential natural hazards such as flooding and rockslides; or potential man-made hazards such as nearby heavy industrial or mining activity. Wildfires are always a possibility in subdivisions adjacent to crop or pastureland when located within the wildland urban interface. Fire and emergency services have been addressed. Vehicle access to the subdivision will be from Flood Road and Dick Road.

II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATION

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation and conforms to the design standards specified in the Cascade County Subdivision Regulations. The subdivider and Cascade County have complied with the subdivision review and approval procedures set forth under the applicable laws and regulations.

III. COMPLIANCE WITH THE CASCADE COUNTY GROWTH POLICY

The proposed subdivision is in general compliance with the Cascade County Growth Policy to preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens and by ensuring that all new roads be built to county specifications, designing subdivisions so as to minimize the risk of fire, promoting adequate ingresses and egresses, adequate water supply systems, requiring local review of subdivisions meet DEQ regulations, and by complying with the weed district's weed management plans. The area is not located in a designated Resource Protection Area, Prohibitive Development Area or Conditional Development Area; therefore, those standards are not applicable to the proposed subdivision.

SETBACK STANDARDS

The minimum standards must comply with the Cascade County Zoning Regulations.

SLOPE STANDARDS

Development on slopes exceeding twenty five percent (25%) is prohibited except where a licensed engineer, with demonstrated experience in the field of slope stabilization, certifies that the development will create no slope failure or erosion hazards. There are no slopes exceeding twenty five percent (25%) in this development.

OFF-STREET PARKING STANDARD

All parking in the proposed subdivision will be accommodated on the premises and entirely off-street.

RESIDENTIAL DEVELOPMENT STANDARD

The minimum standards must comply with the Cascade County Zoning Regulations.

SOIL EROSION STANDARD

The proposed subdivision should not cause soil erosion or other adverse impacts of runoff on neighboring properties, roads, or watercourses. The development must obtain MDEQ approval for the subdivision.

SOILS LIMITATIONS STANDARD

Soils that have moderate or severe limitations for the proposed subdivision will be identified and measures to mitigate such limitations will be implemented. No soil limitations were identified in the Subdivision Application.

ROAD ACCEPTANCE AND MAINTENANCE POLICY

Legal access, described as public street and utility easement, to the lots will be provided on the final plat. There are two private access roads that will be privately maintained by the HOA to access the subdivision. The County will not have responsibility for road maintenance until such time as the County accepts the internal roads as County roads.

FIRE PROTECTION STANDARD

This development lies within and receives fire protection services from the Gore Hill Volunteer Fire District. Response time will be dictated by weather and road conditions. A letter has been sent to the Gore Hill Fire Chief asking for comments on the proposed subdivision. Any comments received will be sent to the Planning Board and the County Commissioners. Included in this Board packet as well as the Subdivision Application is correspondence between the developer and Gore Hill VFD indicating their recommendations.

SCHOOL SYSTEM'S CAPACITY STANDARD

Letters were sent to the Cascade County Superintendent of Schools and the Great Falls Public Schools Superintendent, and the Ulm Public Schools Principal. Cascade County Planning Department has not received comment, but included in this Board packet as well as the Subdivision Application is correspondence between the developer and Great Falls Public Schools indicating that the subdivision would fall into the Meadow Lark Elementary, North Middle School, and CM Russell High School Districts. It is mentioned that the schools will be able to accommodate the estimated 7 additional students.

IV. EASEMENTS FOR UTILITIES

Any comments received by staff will be forwarded to the Planning Board and County Commissioners. All easements will be shown on the final plat.

V. LEGAL AND PHYSICAL ACCESS

1. Legal access will be provided to all lots through private street easements placed on the final plat. The existing roads in this subdivision will not be the responsibility of the county until such time as the county accepts them. The development will be accessed from two approaches: one off Flood Road, and the other off Dick Road.

VI. OPTIONS AND RECOMMENDATIONS

In making their recommendations and decisions, the Cascade County Planning Board and the Cascade County Commission shall consider the following:

- A. Relevant evidence relating to the public health, safety, and welfare;
- B. The Summary of Probable Impacts;
- C. The Cascade County Growth Policy; and
- D. The provisions outlined in the Cascade County Subdivision Regulations and the Montana Subdivision and Platting Act.

VII. DECISION ALTERNATIVES

- 1. Approve the proposed subdivision.
- 2. Approve the proposed subdivision with conditions.
- 3. Table the proposed subdivision for further study.
- 4. Deny the proposed subdivision.